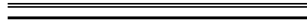


**The Bill Blackwood
Law Enforcement Management Institute of Texas**



The Role of Citizen Oversight Groups in Law Enforcement



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

Law enforcement agencies in America are employed by local governments to protect and serve the citizens within the communities. Over time, the trust between the communities and law enforcement agencies has become weak, and some believe it is due to a lack of transparency between police and the public (Finn, 2001), especially when a police officer is accused of wrong doing. There are many ways the law enforcement agencies and governments have tried to remedy this problem. One method that has been introduced is to include the public in the decision and disciplinary actions that the law enforcement agencies make in the form of a citizen oversight groups or review boards. Every law enforcement entity should consider implementing some form of civilian oversight review board for complaints against officer misconduct to help promote trust within its communities. A citizen oversight group allows citizens an insight into the agency, which not only shows transparency but also allows the citizens to better understand the job of the law enforcement officer. There are many different forms of the citizen oversight groups, and it is ultimately the agency or local government to choice which design works best for their needs. Although there is opposition by some to the implementation of citizen oversights groups with compelling arguments, the public trust and transparency that can be gained along with the positive arguments tend to outweigh the cons.

TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Position	2
Counter Position.....	5
Recommendation	7
References.....	12

INTRODUCTION

Civilian oversight boards were first introduced strongly in the 1950's and 1960's due to the public having displayed a distrust for law enforcement and their ability to effectively police themselves (Finn, 2001). There is a regard that even though most Departments have an Internal Affairs division, that this division consists of other police officers that are ex-colleagues, went to the same police academy, etc. (Adorney, 2014). According to Quinn (2006), in the past "complaints frequently received little, biased, or no attention within police agencies. Uninvestigated, belittled, or poorly investigated complaints further damage trust between citizens and police by isolating police from citizens and convincing citizens that their grievances do not matter to police" (p.127). There has been an outcry through the public for some form of public oversight for the police complaint process because most see it as a direct contradiction to the principle of democratic policing: police are servants of the public (Hryniewicz, 2011). Under the current representative government, different counties and municipalities employ police and law enforcement officials to uphold the law and control the behaviors of its residents. The same residents in turn demand a certain level of behavior from its officers. Complaints accusing some officers of misconduct including excessive use of force, murder, and biased toward one race or another has further promoted the thoughts by some individuals that the officers cannot be controlled by the courts or their perspective agencies (Ferdik, Rojek, & Alpert, 2013).

City governments and law enforcement entities need to build and maintain a relationship along with trust within the communities they serve. In recent years, one way is through the use of civilian oversight groups or review boards. These

boards/committees/group are defined as an agency of impartial individuals who are not sworn officers who investigate/review citizen complaints and/or look into claims of misconduct by law enforcement (Walker, 2006). A civilian oversight group usually consists of a group of civilians from the community whose purpose is to provide an independent review of reported police misconduct or to make sure that the internal process used by the police is appropriate. There are four basic types of civilian oversight groups according to the National Institute of Justice (Finn, 2001). The first is where the citizen investigates and reviews the complaints and make a recommendation to the chief/sheriff. The second is where for example internal affairs investigates the incident and turns it over to the citizen oversight where the review it and make a recommendation. The third type would be where the rulings found by the original investigating authority are appealed to the civilian oversight board for their recommendation. The fourth and final type is that of an independent auditor reviews the entire process from the beginning to the end and reports not only to the head of the department but also to the public as well. It is the responsibility to of each law enforcement agency/city government to determine which type of oversight is needed in their agency (Finn, 2001). Every law enforcement entity should consider implementing some form of civilian oversight review board for complaints against officer misconduct to help promote trust within its communities.

POSITION

With the increasing amount of public distrust against the law enforcement community through recent incidents such as the Ferguson Police Department shooting case involving the suspect Michael Brown (Lee, 2015), there is an increasing need for

law enforcement and communities they serve to build better relationships. One way to help build these relationships is through the implementation of a civilian oversight board or committee. Civilian oversight boards help to promote the idea that the complaint process was transparent and nothing was swept under the rug or concealed from the public. According to Perez (2003), it is imperative that the citizens have trust in the bodies that govern them, especially law enforcement. Even if the oversight board has no real powers to control the outcome, involving the community in the complaint process helps to show that it was fair and transparent which, in turn, promotes confidence. In today's society, the use of social media allows the disbursement of information at an instantaneous rate. Some of the time, this information that is included is not factual or correct which, in turn, creates unnecessary tensions between the community and its law enforcement entities. Typically, the agency itself or a division of the agency such as the Internal Affairs Division are the ones to investigate the complaints and if their findings were different from the information already being put out the public, it creates tensions that can sometimes be hostile. Involving a civilian oversight board in the complaint process could also help to minimize or eliminate these issues before it becomes a bigger problem for the department or being accused of a cover up (Finn, 2001).

There is no data that suggest one is more accurate than the other when it comes to the investigations conducted by the police themselves versus that of citizen review boards of officers following complaints or reports of other wrongdoing but public perception in modern times is everything. Even if the investigation completed by the agency or internal affairs division was completely honest there will those who yell "cover

up” or that the system is rigged and this is where the citizen review board is critical (Farrow & Pham, 2003).

The civilian oversight or review board can also help to increase the quality of work completed during the investigation by either the internal affairs division or agency. Officers tend to do a better job of looking into complaints and conducting thorough internal investigations if they know another party is going to be reviewing their work. No one wants to be embarrassed or known for sloppy or lazy work (Finn, 2001).

Civilian oversight boards helps departments to promote their community policing goals (Finn, 2001). Community oriented policing is a alliance between law enforcement and the community to identify and solve problems. There are three basic components of the community oriented policing consist of community partnerships, organizational transformation, and problem solving. Community partnerships are defined as “Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police” (Community Oriented Policing Services [COPS], n.d., p.1). If one looks at this definition of the community partnerships, it basically defines exactly what the civilian oversight boards job. The oversight boards, committees or the like, are a group of individuals from the community that help to solve problems, which could be considered the complaints, to promote trust in the police. Civilian oversight could also be thought of as the third element of the community oriented policing model of problem solving as well. In the problem solving aspect of community policy the community is brought in to help identify and correct problems (Finn, 2001).

Civilian oversight boards could also help to promote the image of the law enforcement agency. This is accomplished by the board members or participants gaining a deeper knowledge into what a police officers job entails and bringing that knowledge back to its respective community. This especially works well if the board consists of different members of the community with separate cultures, ethnic backgrounds, experiences and community status (Farrow & Pham, 2003).

COUNTER POSITION

Some may argue that the implementation of a civilian oversight board or committee is costly, and there is usually an internal affairs board or some other investigative body in place that takes care of it, and there really is not a need for civilian oversight. As stated in previous paragraphs, there are many different forms of civilian oversight boards and even more hybrid models that are being used throughout the country. Three fourths of the largest cities in America have some sort of civilian review board (Walker, 2001). Some of the models could be expensive to implement but there are others who do not cost the department or the city's budget a dime. These boards are the one's consisting of citizens in the community appointed by city council or other means to serve on the board in a volunteer status (Finn, 2001). Smaller departments that do not have the personnel, resources, or funding to have a separate internal affairs division could greatly benefit from having this type of citizen review board. The reduction or elimination of one excessive force lawsuit, which have become extremely expensive, may outweigh any cost that is incurred in setting up and maintaining the civilian review board (Cato Institute, n.d.)

There are some who argue that civilian review boards or committees do not have any real power and do not deter the actions of police officers misconduct. Finn (2001) stated that “Even though research indicates that citizen review systems do not seem to deter law enforcement misconduct more than internal systems, citizen review systems are almost universally considered to have greater legitimacy in the communities they serve” (as cited in Farrow & Pham, 2003, para. 9). Finn (2001) also concludes that there is no observed data that oversight committees can deter bad behavior also said that civilian oversight can help to minimize police transgression by encouraging police to act appropriately through a variety of ways. When the situation arises where the citizen review board makes a recommendation for more training or for that particular officer to go through some specialized training such as anger management, he or she may teach himself how to avoid that bad behavior to avoid such training. An officer may also keep in the back of his mind the fact that a sustained complaint may reduce his or her chances of being able to promote within the department. It was also stated that “In the long run, no review system or rigid, formalized regulatory scheme could control all errant behavior. Human beings and social life are so complex that our existing control systems will usually fall short of actually ordering behavior” (Farrow & Pham, 2003, p. 4).

The main opposition to oversight have been those in the law enforcement profession. The threat is perceived that a citizen review does not have the proper training or knowledge to properly review or investigate the claims against them. Some believe that the only body that has the jurisdiction over discipline of fellow officer belongs directly to the department and its administration (Sen, 2010). Board members

can easily attend training or participate in ride along to help better understand the field of law enforcement and the day to day issues police officers face. A jury is basically a group of community members sworn to determine the facts in a case that is presented before them. There is no special training or knowledge to be selected as a jury member and society, including the law enforcement community, accepts this role in the judicial system and rely on a jury's to determine the outcome of criminal plus civil cases everyday in this country. People also have a strong tendency to resist change. According to an article in Harvard Business Review, people resist change for ten reasons. These reasons include uncertainty and loss of control (Kanter, 2012). Cops are people and have the same tendencies as everyone else. If leaders implement a plan that allows members of the organization to have input into the implementation of the review board along with making the change a gradual one, then officers/people will be more receptive to the change (Kanter, 2012).

RECOMMENDATION

To help with accountability and trust issues within the community, all law police agencies should consider putting a civilian review board, civilian oversight committee or similar investigative body in place. With recent events such as those that happened in Baltimore, MD ("Arrested to death", 2015) and Ferguson, Missouri (Lee, 2015), law enforcement agencies from around the country have witnessed an erosion in trust from the public they serve. This makes it difficult or nearly impossible for the police to effectively do their jobs. Policing in a democratic society requires the trust and cooperation from the citizens. Citizens with this mentality toward law enforcement are less likely to come forward report crimes that they have witnessed or provide

statements that are crucial in criminal courts (Sen, 2010). The idea of citizen review boards has withstood a long and bitter conflict to gain acceptability as an idea and practical realism.

Citizen review boards, although not a one-step fix, is one approach that law enforcement agencies can adapt to help bridge the gap between law enforcement and the community it serves. The continued reports by the media of police abuse, excessive force, and corruption erupted into the public needing to have some type of transparency and accountability of the police. This lead to the movement of civilian oversight in the police complaint process (Lewis, 2000). According to Walker (2006), "By mid-2005 more than 100 oversight agencies covered the police departments in almost every large city in the United States (and consequently a substantial proportion of the population)" (para. 2).

A key goal of most citizen review boards is to build trust between the community and police. This is accomplished through transparency and accountability during the entire complaint process. It is a common belief that the police cannot police themselves and, in a democratic society, police are servants to the people; therefore, they should have input on allegations of misconduct. Citizen review boards can help to improve the investigations completed by internal affair divisions. In the instances where the internal affairs division gets the initial reports, investigates the complaint, and then turns it over to the citizen review board, investigators are more likely to do thorough investigations before handing them over for review.

The goal of community oriented policing is also reinforced with the use of citizen review boards. As stated earlier, community policing is involving the community to

bridge the gap between the community and the police to establish a trusting relationship. Citizen review boards are members of the community who are involved in the police process and one of its key goals is to build trust and promote transparency.

Costs are always a factor when implanting a new idea or policy in any city government or departments. Antagonists say that creating specialized boards require training and other expensive costs that not all departments can afford. There are a variety of models of the civilian review boards, and there are a vast array of functions that can be given. Although there are four basic models of the boards, there are hundreds of hybrid models of each fitted for each department or city for their needs (Finn, 2001). Some of these include citizens who volunteer their time to serve on the boards, which does not cost the taxpayers any money.

The biggest adversary for citizen review boards have primarily been the group the boards are put in place to oversee: the police. Overall, people do not like change and try to resist it. There are uncertainties that come with change and uncertainty is scary even to law enforcement. The notion that a citizen review board does not have the proper skill set or knowledge to review police matters contradicts the judicial system that has been in place decades. Juries are made up of a pool of ordinary everyday citizens who sit and listen to evidence that they may or may not be versed in. This same group of people then collaborate and determine guilt or innocence, which is the same basic functions of a citizen review boards.

There are different models of citizen review boards and then there is variations of those models. To limit only one form of these and propose a way to implement it for every department or agency would be nearly impossible. Finn (2001) describes four

basic models. The first model is that citizens review the complaints and recommend their findings to the chief, sheriff, or other department head; the second is that the police investigate the allegations themselves then the citizen review board reviews the complaint and again recommends their conclusions. A third model is where petitioners appeal the determinations made by the police to the citizen review board and then their results are relayed to the sheriff or chief. The final model is where an auditor looks at the entire complaint investigations and then reports his or her finding directly to the public.

There are several factors to weigh when it comes time to decide which type of citizen review boards would be beneficial, such as the size of agency, costs, and type of review board. There are many variations for how the board can be constructed, for example, volunteer vs paid board members, but either way, the board must consist of unbiased, reliable, and trustworthy citizens to work effectively (Finn, 2001). One example is to concentrate on a smaller agency that does not have the funding or personnel to have an internal affairs division and a potential way the agency could implement a citizen review board. The board members of city council or county commissioners could each select a citizen to serve as a volunteer basis from the community. These could primarily consist of prominent community leaders such as pastors, business owners, or any other influential persons they may choose who has strong ties to the community. This group of individuals could be responsible to answer to the mayor, chief, or sheriff. Once a complaint is lodged with the department and an internal investigation is completed, the findings of the agency is turned over to the citizen review board. The board can then go over the investigation and contact the

sheriff or chief with questions about the investigation. The citizen review board then would make a ruling where the original findings were correct or incorrect and report them back to the correct authoritative figure. Using volunteers is the most cost efficient way to implement the citizen review board (Finn, 2001). As previously stated, there are so many variations and variables associated with implementing a citizen review board. Ultimately, it would be up to the agency and their respective government to conduct research for determining which model and type of citizen review board would benefit them the greatest.

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